

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

NANCY J. AMANTEA, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. _____
	)	
INNOTRAC	)	
CORPORATION, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446, Defendants Innotrak Corporation, Scott Dorfman, David L. Gansey, David Ellin, Larry C. Hanger, and Robert Toner, Jr. (collectively, the “Defendants”) give notice of the removal of the above action to the United States District Court for the Northern District of Ohio, Eastern Division, from the Cuyahoga County Court of Common Pleas, Ohio. In support of this Notice of Removal, Defendants respectfully show the Court the following:

1. On or about October 10, 2007, Plaintiff Nancy J. Amantea, et. al. (“Plaintiffs”), filed an action against Innotrak and five of Innotrak’s officers and executives. A true and correct copy of the Complaint is attached to this Notice of Removal as Exhibit A.

2. Plaintiffs' complaint alleges violations of § 10(b) of the Securities and Exchange Act of 1934, 15 U.S.C. § 10j(b), and Securities and Exchange Commission Rule 10b-5, 17 C.F.R. 240.10b-5 (Compl. ¶¶ 10-12), and the Federal Racketeering Influenced and Corporate Organization Act, 18 U.S.C. § 1961 et seq., (Compl. ¶¶ 14-15). Therefore, this case is removable pursuant to 28 U.S.C. § 1331 on federal question jurisdictional grounds.

3. Supplemental jurisdiction exists over Plaintiffs' state common law fraud claim (Compl. ¶ 17) because that claim is so related to Plaintiffs' federal statutory claims it forms part of the same case or controversy under 28 U.S.C. § 1367(a).

4. On October 15, 2007, Plaintiffs arranged for the service of the Complaint on the Defendants. All of the Defendants except Mr. David L. Gansey were served on October 22, 2007. Mr. Gansey has not yet been served. Therefore, this Notice of Removal is filed within the time limits specified in 28 U.S.C. § 1446(b).

5. Defendants have filed a Notice of Filing Notice of Removal with the Cuyahoga County Court of Common Pleas, which is attached as Exhibit B. A copy of this Notice of Removal was filed in the state court as well.

6. The United States District Court for the Northern District of Ohio is the district court for the district embracing Cuyahoga county, where the state court action is pending. 28 U.S.C. § 115(a)(1).

7. All Defendants consent to this removal.

WHEREFORE, Defendants request, pursuant to 28 U.S.C. 1441(a), this case be removed from the Cuyahoga County Court of Common Pleas, Ohio, to this Court and that this Court exercise federal subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1367(a), and § 1441(a).

DATED: November 13, 2007.

Respectfully submitted,

/s/James B. Niehaus

James B. Niehaus (0020128)

[jniehaus@frantzward.com](mailto:jniehaus@frantzward.com)

FRANTZ WARD LLP

2500 Key Center

127 Public Square

Cleveland, Ohio 44114-1230

(216) 515-1660

Telecopy: (216) 515-1650

ATTORNEYS FOR DEFENDANTS

Stephen E. Hudson  
Kristy M. Byrd  
KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia 30309-4530  
(404) 815-6500  
Telecopy: (404) 815-6555

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November, 2007, the foregoing was filed electronically. Parties may access this filing through the Court's electronic filing system.

I also hereby certify that a true and accurate copy of the foregoing Notice of Removal has been served upon the following this 13th day of November, 2007, via Regular U.S. Mail, postage prepaid, and via Certified Mail:

Michael J. Cheselka, Jr.  
Michael J. Cheselka, Jr. LLC  
75 Public Square, Suite 920  
Cleveland, Ohio 44113-2084  
michael@mcheselka.org

This 13th day of November, 2007.

/s/ James B. Niehaus  
Counsel for Defendants